

Indiana Regulatory Occupations Evaluation Committee

Minutes of the September 21, 2011 Committee Meeting

Call to Order & Establishment of Quorum

The Regulatory Occupations Evaluation Committee (ROEC) meeting was called to order on Wednesday, September 21st in the Government Center South Conference Room W064 at 9:00 a.m.

Committee members present:

- John Graham, Committee Chair
- Gloria Downham
- Frances Kelly
- Dave Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain
- Lisa Bentley

Review and Approval of Minutes

The August 24, 2011 minutes were reviewed and unanimously approved by committee members.

Presentation of "Part B" Assessment for State Board of Registration for Professional Engineers **John Sauer, Board Chair**

John Sauer, Vice-Chair for the State Board of Registration for Professional Engineers presented a 15-page report to the committee (attached hereto as Exhibit A) the following information highlights that report:

1. Proactive Surveillance
2. Complaint Process
3. Nature of the Complaint
4. Effectiveness of Current Regulation
5. Evidence Regulatory System Reduces Consumer Harm
6. Appropriate Regulatory Mechanism
7. Continuing Education Requirements
8. Evidence Regulatory System Effects Supply of Professionals and Price for Services to Consumer
9. Adequate Resources

10. Fees and Adequate Regulations

Mr. Sauer presented the following recommendations to the committee:

Recommendation #1

Designation of a compliance officer to the State Board of Registration for Professional Engineers for the purpose of investigating complaints received from consumers regarding the practice of engineering. The officer would do this in the following manner:

- 1) Identify, investigate, and file complaints against individuals practicing without the benefit of being registered;
- 2) Determine whether currently registered engineering professionals are complying with the professional standards of practice based on complaints received from consumers; and
- 3) Perform a continuing education audit of a higher percentage of professional engineers in each renewal cycle.

Recommendation #2

Change legislation to allow for all fines or civil penalties imposed by the board go into the investigative fund to advance the fund's objectives; investigating and taking enforcement action against violators.

Recommendation #3

Require that all board member vacancies be filled within a specific period of time, and replace non-active board members.

Recommendation #4

Establish a committee to work towards modernizing the statutes and rules.

Dave Miller stated that the Office of the Attorney General (OAG) would oppose recommendation #1 because the office has trained investigators and law enforcement individuals who already gather information and put it in an investigation summary. The lawyers along with the Director of Licensing then review the information and make a recommendation. If the assistance of a professional engineer or any type of professional expertise is needed they have the option to hire someone. Normally they use the board designee who is designated to assist the OAG's office and when they close a case it is with the acquiescence of the board designee. He further stated that the system set up twenty-five years ago still works and questioned duplicating resources.

Frances Kelly stated that she wanted to clarify that the topic of a compliance officer and the duties they would perform was discussed in great detail during the last meeting. A compliance officer works in a pro-active capacity rather than as an investigator who is reacting to complaints. She told the committee that they are going to continue to hear from boards about compliance officers because the boards desire to enhance the current system by hiring individuals to do pro-active work. She also stated that IPLA already has 10 compliance officers that currently work in this capacity.

John Sauer concurred that a compliance officer for the board would work as a pro-active individual. He further explained that he is the board designee for the OAG and that in the last five to seven years he has only

been consulted twice for his expert opinion on any engineering complaint. His concern voiced to the committee is whether or not the investigators in the OAG's office recognize engineering issues or dangers that could affect the public.

Gloria Downham asked Dave Miller to explain how the OAG complaint process works: He gave the following list description:

1. Complaint filed by public or board member
2. Statute then requires that an investigation be undertaken
3. Complaint is then assigned to an investigator who works in that particular area
4. The investigator will gather information and then create an investigative summary
5. Attorney General has to sign off on the investigation where a decision is then made whether or not the complaint is valid and what type of discipline is required.

Mr. Sauer explained that the board has concerns because there has been little or no communication between the OAG's office and the board regarding any complaints that are being investigated. He also pointed out that other states appear to be disciplining 10-25 individuals each month and Indiana is doing none. He pointed out that without having any type of report from the OAG's office they are virtually working in the dark.

Dave Miller responded that every board is now receiving a report/spreadsheet telling the cases that have been filed and where they are currently in the process.

Frances Kelly stated that the IPLA office has not been given these reports yet and that it would really help her office and its boards to have this information. She told the committee that in the past IPLA has had to request this information and has generally not received the information.

Dave Miller said that he does anticipate this will be done and he will gather the engineering information and present a report to the committee. He explained that he will only be able to give a generic summary of complaints.

Chairman Graham asked why the engineering system is set up the way it is, with only one engineering license that can be held to cover so many engineering types. Ms. Kelly responded that it was set up this way through the statute that governs that board. He then asked if individuals declare areas of expertise when applying for a licenses or reporting their CEU requirements. Mr. Sauer responded that he is not aware whether or not individuals declare their areas of expertise when applying for licenses.

Mr. Graham further questioned why engineering fees are so high in Indiana. Mr. Sauer replied that he did not know. Ms. Kelly retorted that the Engineering board is an oddity for IPLA because most of the other boards have some of the lowest fees in the country.

Questions ensued regarding the new auditing process regarding CEU's. Mr. Sauer explained that the statute reads that an audit needs to be between one and ten percent of licensees.

Review of Part A Ratings & Conclusions

Gloria Downham distributed three handouts to the committee (attached hereto as Exhibit B, C and D). She explained that Exhibit B's handout contained all committee members' scores. She averaged out the scores for questions 1-5. Question #6 is in its own column so that members could review the overall findings. Exhibit C contains only scoring for question #6. Exhibit D contained all scores for each of the scoring questions plus the summary average of all questions.

One committee member noted that it appeared the committee scored the questions higher in the health related fields possibly due to the impact those fields have on the general public.

The committee continued its exchange of ideas regarding the following topics:

- Findings and Recommendations for Private Investigators & Security Guard Licensing Board
- Findings and Recommendations of the State Board of Registration for Professional Engineers
- Review of Subcommittee Recommendations for State Board of Cosmetology and Barber Examiners
- Review of Subcommittee Recommendations Findings and Recommendations for Indiana State Board of Health Facilities Administrators

The committee spent the next two hours reviewing the findings and recommendations until members felt all issues were covered. It was determined that committee members would individually review and write a report for one board that has been reviewed by the committee to date. The deadline is October 3 for first drafts, which need to be mailed out to each member and final feedback is due by October 10. This information will be presented and discussed at the October 12 meeting.

The committee will keep a mega issues list which will be added to as items arise and are discussed during meetings. Currently issues on this list are:

- Self Financing of Boards
- Feasibility of Audit Percentages

Revision of Review Schedule

OCTOBER 12, 2011 – 9am-3pm

- Committee of Hearing Aid Dealer Examiners – “Part B” presentation
- Indiana Optometry Board – “Part A” presentation
- Indiana Dietitian Certification Board – “Part A” presentation

NOVEMBER 16, 2011 – 9am-3pm

- Indiana Optometry Board – “Part B” presentation – *if needed*
- Indiana Dietitian Certification Board – “Part B” presentation – *if needed*
- Findings and Recommendations of Hearing Aid Dealer Examiners
- Findings and Recommendations of Indiana Optometry Board and Indiana Dietitian Certification Board

DECEMBER 7, 2011 – 9am-11am

- Review of Recommendations for Supplemental Report of Certain License Types Reviewed in 2011 for Health Finance Commission

JANUARY 25, 2012 – 9am-3pm

- Physician Assistant Committee – “Part A” presentation
- Real Estate Appraiser Licensure & Certification Board – “Part A” presentation

FEBRUARY 29, 2012 – 9am-3pm

- Physician Assistant Committee – “Part B” presentation – *if needed*
- Real Estate Appraiser Licensure & Certification Board – “Part B” presentation – *if needed*
- Findings and Recommendations of the Physician Assistant Committee and the Real Estate Appraiser Licensure & Certification Board

APRIL 18, 2012 – 9am-3pm

- Physical Therapy Committee – “Part A” presentation
- Indiana Athletic Trainers Board – “Part A” presentation
- Discussion of contents of draft for report to HEALTH FINANCE COMMISSION based on review to date

MAY 23, 2012 – 9am-3pm

- Physical Therapy Committee – “Part B” presentation – *if needed*
- Indiana Athletic Trainers Board – “Part B” presentation – *if needed*
- Findings and Recommendations of the Physical Therapy Committee and the Indiana Athletic Trainers Board

JUNE 20, 2012 – 9am – 2pm

- Finalize Report to HEALTH FINANCE COMMISSION (due not later than 7/1/2012)

Adjournment

Chairperson Graham adjourned the meeting at approximately 2:25 p.m.

Dean John Graham, Chair
Indiana Regulatory Occupations Evaluation Committee

Date

Next Scheduled Meeting:

October 12, 2011

9:00 a.m.

Indiana Government Center South

Room W064 of the Indiana Professional Licensing Agency